

OFFICIAL GAZETTE



GOVERNMENT OF GOA

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Department of Personnel

Notification

5/3/74-PERH (Part)

In exercise of the powers conferred by sub-Section (2) of Section 9, sub-section (2) of Section 12 and Section 24 of the Central Civil Services (Classifi-

cation, Control and Appeal) Rules, 1965, read with item (iii) of Serial No. 4 of Part III and item (iii) of Serial No. 1 of Part IV of the Schedule thereto the Governor of Goa hereby specifies, in relation to the posts mentioned in Column 2 of the Schedule appended hereto, the following appointing authority, the disciplinary authority and penalties which the said disciplinary authority may impose and the appellate authority in the corresponding entries in columns 3, 4, 5 and 6 respectively of the said schedule, with immediate effect.

SCHEDULE

Sr. No.	Description of post	Appointing Authority	Authority Competent to impose penalties and which it may impose (with reference to item numbers in Rule 11)		Appellate Authority
			Authority	Penalties	
1.	2.	3.	4.	5.	6.
1.	All Group 'C' and Group 'D' posts in Raj Bhawan	Secretary to Governor	Secretary to Governor	All	Chief Secretary

This issues in supersession of Government Notification of even number dated 13-7-1992.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 30th September, 1994.

EDUCATION DEPARTMENT

Notification

14/25/93-EDN

Whereas certain draft rules further to amend the Goa, Daman and Diu School Education Rules, 1986, were published as required by sub-section (1) of section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), in the Official Gazette, Series 1 No. 25 dated 16-9-1993 under Notification No. 14/25/93-EDN dated 6-7-1993 of the Education Department, Government of Goa, inviting objections and suggestions from all persons whose interest is likely to be affected thereby before the expiry of 30 days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 16-9-1993;

And Whereas objections and suggestions received from the public on the said draft amendment have been considered by the Government.

Now, Therefore, in exercise of the powers conferred by section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu School Education Rules, 1986, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa School Education (Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of rule 3.*— In sub-rule (4) of rule 3 and in any other rules of the Goa, Daman and Diu School Education Rules, 1986 (hereinafter referred to as the 'principal Rules'), for the word 'Administrator', wherever it occurs, the word "Government" shall be substituted.

3. *Amendment of rule 5.*— In sub-rule (2) of rule 5 of the principal Rules, for figures 'Xth', the figure 'XIIth' shall be substituted.

4. *Amendment of rule 21.*— In rule 21 of the principal Rules,

(i) for the title, the following shall be substituted, namely:—

"School terms, Vacation and Holidays.";

(ii) in sub-rule (1) after the words "in a year", the following shall be inserted, namely:—

"to be arranged in two school terms the duration of which shall be as specified by the Director of Education.";

(iii) in sub-rule (2) —

(a) for clause (iv), the following shall be substituted, namely:—

"(iv) A mid-term break from 24th December to 2nd January.";

(b) for clause (v), the following shall be substituted, namely:—

"(v) Summer vacation at the end of the second term for such a period of six weeks as may be specified by the Director of Education.";

(c) Proviso to clause (v) shall be omitted.

5. *Amendment of rule 24.*— In the proviso to clause (a) of sub-rule (1) of rule 24 of the principal Rules, —

(i) for the figure 'X', the figure 'XII' shall be substituted; and

(ii) the words and figures "except where such students have attained the age of 16 years" shall be omitted.

6. *Amendment of rule 31.*— In rule 31 of the principal Rules, — (i) in sub-rule (1), the words and figures "individual, association of individuals" and "his or" shall be omitted;

(ii) in sub-rule (2), —

(a) in clause (f), the words 'association of individuals' shall be omitted;

(b) in clause (g), the words "until the new school is recognised and the new Managing Committee is constituted", shall be omitted;

(c) in clause (h), —

(i) the following words and figures shall be omitted, namely:—

"proposed", "until its recognition under the Act", and "wherever permissible"; and

(ii) after the word "recruitment", the following words shall be inserted, namely:—

"as per the Act and the Rules made thereunder.";

(d) in clause (i), —

(I) the word "proposed" shall be omitted; and

(II) for the words "until the school is recognised under the Act", the following words shall be substituted, namely:—

"shall be such as laid down by the Government";

(e) in clause (j), after the words "new school", the following words shall be inserted, namely:—

"in addition to those provided in the rules.";

(f) after clause (j), the following shall be inserted, namely:—

"(k) The party proposing to open a new school shall give an undertaking under section 5(1) (g) of the Act.";

(iii) in sub-rule (3), for words "person or persons", the word "party concerned" shall be substituted and in the third proviso, for the word "provision", the word "proviso" shall be substituted.

7. *Amendment of rule 33.*— In rule 33 of the principal Rules.

(i) the words "not being an unaided minority school" shall be omitted; and

(ii) the following shall be inserted, namely:—

"Provided that no Management shall close down a recognised school without giving a notice in writing, at least six months in advance, to that effect, to the Director of Education and to all the employees of the school."

8. *Amendment of rule 34.*— In rule 34 of the principal Rules,—

(i) in sub-rule (1),—

(a) in clause (a), after the word "divisions", the following words shall be inserted, namely:—

"or discontinuance of any subject";

(b) the words "as far as practicable" shall be omitted;

(c) in the first proviso, the words "and the employee has not been retrenched by the management of the aided school, on any grounds other than the grounds of the closure, of school or any schools or classes of the school of withdrawal of recognition or aid from the school" shall be omitted;

(ii) for sub-rule (4), the following shall be substituted, namely:—

"(4) Without prejudice to the provisions of sub-rules (1), (2) and (3), where an employee becomes surplus for any reason, such employee shall be absorbed in the first instance, as far as practicable, in such aided school as the Director of Education may specify and if the post so rendered surplus is subsequently revived or additional post is created or otherwise any vacancy arises anytime thereafter, within a period of three years, such as employee shall

be absorbed in the former school, but if such re-absorption does not take place within the period of three years from the date of absorption of such employee in the original school, the services of such employee shall continue in the absorbed school:

Provided that no teacher working on temporary or probationary basis shall qualify for absorption."

9. *Amendment of rule 35.* — In rule 35 of the principal Rules, for the second proviso, the following shall be substituted, namely:—

"Provided further that if there is break in service, such break may be condoned by the Government as per provisions as are applicable to corresponding categories of employees under the Government."

10. *Amendment of rule 37.* — In clause (iii) of rule 37 of the principal Rules, the words "subject to section 14 of the Act" shall be omitted.

11. *Amendment of rule 46.* — In rule 46 of the principal Rules, (i) in item (v) of clause (b) of sub-rule (1), after the letter "A.D.E. I.", the following shall be inserted, namely:—

"in Schools other than minority Schools.";

(ii) sub-rule (5) shall be omitted.

12. *Amendment of rule 58.* — In sub-rule (1) of rule 58 of the principal Rules, for the words "Managing Committee", the word "Management" shall be substituted.

13. *Amendment of rule 59.* — In rule 59 of the principal Rules, for the words "Managing Committee", the word "Management" shall be substituted.

14. *Amendment of rule 60.* — In sub-rule (2) of rule 60 of the principal Rules, —

(i) in clause (a), —

(a) for the words "managing committee", the word "management" shall be substituted;

(b) for the words "all employees", the word "employee" shall be substituted;

(c) the words "or a few of them" shall be omitted;

(ii) in clause (b), —

(a) after the words "due to that school", the following shall be inserted, namely:—

"or owing to otherwise reduction or suspension of grants due to that school by the Government";

(b) in item (i), the words "which have remained in arrears" shall be omitted;

(c) in item (iii), before the figure (ii), —

(I) the figure and words "(i) and" shall be inserted; and

(II) the words "for payment to the school staff against their outstanding salaries and all allowances" shall be omitted.

15. *Amendment of title of Chapter VIII.* — For the title of Chapter VIII of the principal Rules, the following shall be substituted, namely:—

"Recruitment and terms and conditions of service of employees of the private schools."

16. *Amendment of rule 74.* — In rule 74 of the principal Rules, —

(i) sub-rule (1) shall be omitted;

(ii) in sub-rule (4), for the word "selection" wherever it occurs, the words and figure "selection/promotion" shall be substituted;

(iii) in sub-rule (5), for the words "regulate its own procedure", the words "follow the procedure as applicable to the corresponding posts in the Government Schools" shall be substituted;

(iv) in sub-rule (6), the words "but however in the case of minority schools, the decision of Managing Committee shall be final" shall be omitted;

(v) in sub-rule (7), —

(a) for the word "recruitment" occurring therein and in any other rules, the words and figure "recruitment/promotion" shall be substituted;

(b) after the words "shall be nominated", the following shall be inserted, namely:—

"by the Managing Committee of the School or by the Director of Education, as the case may be, as provided in sub-rule (3)";

(vi) in sub-rule (8), for the first proviso, the following shall be substituted, namely:—

"Provided that every such application shall be forwarded by the applicant through the Head of the School to the Manager who shall forward the same to the prospective employer within seven days of its receipt by the Head of the School, under intimation to the applicant well within the time stipulated by the latter towards the receipt of such application. In case the Manager fails to forward the application, the applicant may send a copy of his/her application to the prospective employer and appear directly for the interview."

17. *Amendment of rule 76.* — In rule 76 of the principal Rules, —

(i) for the title, the following shall be substituted, namely:—

"Appointing Authority and Appointment";

(ii) for sub-rule (1), the following shall be substituted, namely:—

"(1) The Appointing Authority for every employee shall be the Managing Committee subject to the approval under rule 75. The appointment of every employee of a school shall be made by the Chairman of the Managing Committee on behalf of the Managing Committee in a form to be specified by the Director of Education.";

(iii) for sub-rule (2), the following shall be substituted, namely:—

“(2) Every appointment made by the Managing Committee of a recognised school shall initially be provisional and shall require approval of the Director of Education.”;

(iv) in sub-rule (3), the following words shall be omitted, namely:—

“the Chairman of”.

18. *Amendment of rule 80.*—In rule 80 of the principal Rules,—

(i) in sub-rule (2), for the letters and words “S. S. C., D. Ed” and “matriculates”, wherever they occur, the words “trained undergraduate category teachers” shall be substituted;

(ii) in sub-rule (5),—

(a) in clause (a), for the letters and figures “more than 20 (twenty)”, the words and figures “15 or more but less than 30” shall be substituted and for the words “given by the Headmaster”, the words “made by the Headmaster” shall be substituted;

(b) for clause (b), the following shall be substituted, namely:—

“(b) One post of Assistant Headmaster in addition to the one provided in clause (a) when the number of divisions are thirty and above.”;

(c) the Note below clause (c) shall be omitted.

19. *Amendment of rule 84.*—In sub-rule (2) of rule 84 of the principal Rules, after the words “members of the Municipalities”, the following words shall be inserted, namely:—

“or of Gram Panchayats”.

20. *Amendment of rule 86.*—After sub-rule (1) of rule 86 of the principal Rules, the following shall be inserted, namely:—

“Provided that the claim of any employee already working under the said Management in the Undergraduate category possessing the requisite qualifications for the direct recruit shall be given due consideration while filling up the post with direct recruitment.”

21. *Amendment of rule 90.*—In rule 90 of the principal Rules,—

(i) in sub-rule (5),—

(a) for the words “an aided”, the letter and the words “a recognised” shall be substituted;

(b) for the words and figure “Dy. Education Officer of the Zone/District and the Dy. Education Officer”, the words “Director of Education and the Director of Education”, shall be substituted;

(c) after sub-rule (5), the following shall be inserted, namely:—

“Provided that every such appeal shall be forwarded by the appellant through the

Manager who shall forward the same to the Director of Education within seven days of its receipt and in any case within such time so as to reach the Director of Education within the stipulated period:

Provided further that the Manager shall endorse and make available a copy of his letter forwarding the appeal to the Director of Education and simultaneously, to the appellant, failing which he may file his appeal directly to the Director of Education.”

22. *Amendment of rule 92.*—In rule 92 of the principal Rules,—

(i) in sub-rule (1), the words “the Chairman of” shall be omitted;

(i) (a) in clause (e) of sub-rule (1), after the word “with” and before the word “misbehaviour”, the word “gross” shall be inserted;

(ii) in the proviso to sub-rule (2),—

(a) the words “in case of non-minority schools” shall be omitted;

(b) after the words “revoke the order of suspension”, the following shall be inserted namely:—

“after giving the Managing Committee of the school, reasonable opportunity of showing cause against the proposed actions.”;

(iii) after sub-rule (2), the following shall be inserted, namely:—

(3) “If any doubt arises with regard to the application of the provision of this rule, the same shall be resolved in accordance with the orders issued by the Government in respect of its employees of corresponding status.”

23. *Amendment of rule 93.*—In rule 93 of the principal Rules,—

(i) in clause (c) of sub-rule (1),—

(a) for the word “certificate”, the words “solemn declaration” shall be substituted;

(b) for the words “and he regularly gives attendance to a station prescribed by the Chairman of the Managing Committee, on all working days, and he shall not leave the headquarter without the permission of the Chairman”, the following words shall be substituted, namely:—

“and he/she shall not leave the headquarters without the permission of the Chairman.”;

(ii) in sub-rule (4), after the word “acquittal” and before the word “salaries”, the following words shall be inserted, namely:—

“or where suspension is revoked or the suspension order is otherwise annulled.”.

24. *Amendment of rule 94.*—In rule 94 of the principal Rules,—

(i) in item (iii) of clause (b) of sub-rule (1), the words “in any other recognised private school” shall be omitted;

(ii) for sub-rule (2), the following shall be substituted, namely:—

“The Managing Committee shall be the disciplinary authority for all employees of a recognised private school whether aided or not.”;

(iii) after sub-rule (2), the following shall be inserted, namely:—

“(3) In case of doubts regarding the interpretation, the penalties, their imposition, functioning of the disciplinary authority etc., the detailed instructions and interpretation given by the Government in that behalf in respect of Government Servants of corresponding status shall be followed.”.

25. *Amendment of rule 95.*—In rule 95 of the principal Rules,—

(i) for the heading, the following shall be substituted, namely:—

“Authority to impose penalties and/or to institute disciplinary proceedings.”;

(ii) for sub-rule (1), the following shall be substituted namely:—

“(1) The Managing Committee being the disciplinary authority shall be competent to impose any of the minor penalties prescribed under rule 94(1) (a) as per the procedure laid down in rule 90.”;

(iii) for sub-rule (2), the following shall be substituted, namely:—

“(2) The disciplinary authority as specified under rule 94, shall be competent to institute disciplinary proceedings as per the procedure laid down under rule 97, against any employee for the imposition of any of the major penalties specified under rule 94 (1) (b) but shall not be competent to impose any of the major penalties except with prior approval of the Director of Education and subject to provisions of Section 22 of the Act.”.

26. *Amendment of rule 96.*—In rule 96 of the principal Rules,—

(i) after the words “an opportunity to make any representation”, and before the words “against the proposed action”, the following words shall be inserted, namely:—

“to the disciplinary Authority”;

(ii) the following proviso shall be inserted, namely:—

“Provided that any employee of a recognised private school, who is aggrieved by any order imposing on him any such penalty, may within 30 days from the date of receipt by him of such an order, prefer an appeal to the Director of Education, through proper channel as laid down in rule 90 (5).”.

27. *Amendment of rule 97.*—In rule 97 of the principal Rules,—

(i) for sub-rule (1), the following shall be substituted, namely:—

“(1) The procedure for imposing penalties specified in rule 94 (1) (b), shall be as applicable to the Government employees of the corresponding status:

Provided that notwithstanding anything contained in the rules applicable to Government employees of corresponding status, the enquiry into such charges as are not admitted by the employee shall be, made by an Inquiry Officer appointed for the purpose by the Disciplinary Authority.”;

(ii) in sub-rule (2), for the proviso, the following shall be substituted, namely:—

“Provided that the Director of Education may, if found necessary, hear both the parties concerned, before granting/refusing his approval:

Provided further that where any of the major penalties has been imposed on any employee in violation of the provisions of the Act or the rules made thereunder, and where the same has been brought to the notice of the Director of Education, the Director of Education shall revoke the penalty imposed after giving reasonable opportunity to the Disciplinary Authority of showing cause against the proposed action and order that the employee be reinstated in service/and /or be restored in all respects, to his original position prior to the imposition of such penalty.”.

28. *Amendment of rule 98.*—In rule 98 of the principal Rules,—

(i) for sub-rule (1), the following shall be substituted, namely:—

“(1) When an employee who has been dismissed, removed or compulsorily retired from service or reduced in rank or whose service is otherwise terminated, is re-instated or restored to his original rank or position as a result of appeal or the decision of the Director of Education under sub-rule (2) of rule 97 or would have been so re-instated or restored to his original rank but his retirement on superannuation while under suspension proceeding the dismissal removal or compulsory retirement as the case may be, the Disciplinary Authority shall consider forthwith and make specific order.”;

(i) (a) in clause (a),—

(a) for the words “with regards to”, the words “for the payment of” shall be substituted;

(b) the words “to be paid” shall be omitted.

(i) (b) for clause (b), the following shall be substituted, namely:—

(b) “that the said period of absence shall be treated as the period spent on duty.”;

(ii) in sub-rule (2),—

- (a) the words "Disciplinary Authority is of opinion that the" shall be omitted;
- (b) for the words "fully exonerated", the word "exonerated" shall be substituted;
- (c) the words "or suspended prior to such dismissal, removal or compulsory retirement from service" shall be omitted;
- (d) after the proviso, the following shall be inserted, namely:—

"Provided further that the employees, if aggrieved by the decision of the Disciplinary Authority, may, within 30 days from the date of receipt by him of such a decision, prefer an appeal to the Director of Education through proper channel as laid down in sub-rule (5) of rule 90."

29. *Amendment of title of Chapter IX.*—For the title of Chapter IX of the principal Rules, the following shall be substituted, namely:—

"Code of conduct for Heads of Schools, Teachers and other Employees."

30. *Amendment of rule 99.*—The proviso to rule 99 of the principal Rules shall be omitted.

31. *Amendment of rule 100.*—In rule 100 of the principal Rules,—

(i) in sub-rule (1), the words "including aided minority schools" shall be omitted;

(i) (a) in clause (a),—

(a) in item (i), the following words shall be omitted, namely:—

"teaching and non-teaching"

"Management"

"or his representative";

(b) for the word "Directorate", the word "Director" shall be substituted;

(c) in the Explanation, for the word "Teaching", the word "Teacher's" shall be substituted;

(d) in item (xiii), the existing para (B) under Explanation shall be omitted;

(i) (b) in item (iii) of clause (b), for the words "and the management", the following shall be substituted, namely:—

"or Manager, as the case may be".

32. *Amendment of rules 104 to 107.*—The rules 104 to 107 of the principal Rules shall be omitted.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary, (Education).

Panaji, 12th September, 1994.

Department of Labour

Notification

21/7/89-LAB

Whereas vide Notification No. 21/7/89-LAB dated 7/3/94, published in the Official Gazette, Series I, No. 52 dated 24-3-94 (hereinafter referred to as the 'said Notification'), the Government of Goa had given two months' notice of its intention to apply all the provisions of the Maternity Benefit Act, 1961 (Central Act 53 of 1961), (hereinafter referred to as the 'said Act'), to the classes of establishments specified in the said Notification (hereinafter referred to as the 'said proposal');

And whereas the said Gazette was made available to the public on 24-3-94;

And whereas no objections or suggestions were received from the public on the said proposal by the Government.

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 2 of the said Act and with the approval of the Central Government, the Government of Goa, hereby declares that all the provisions of the said Act, shall apply to the following classes of establishments in which ten or more persons are employed:—

(i) Local bodies;

(ii) Farms organised on a commercial scale;

(iii) Hospitals and other medical institutions;

(iv) Administrative offices of factories, mines which are covered under the said Act; and

(v) Trading and commercial establishments such as banks (including co-operative banks).

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 26th September, 1994.